

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

DEC 17 1999

CREDIT & DEBIT MANAGEMENT

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FILE COPY ORIGINALOFFICE OF
MANAGING DIRECTOR

86-285

Kenneth E. Satten, Esq.
Wilkinson, Barker, Knauer & Quinn, LLP
2300 N Street, N.W.
Suite 700
Washington, D.C. 20037

RE: Request for Waiver and Reduction of
Regulatory Fees for KCSG(TV)
Fee Control No. 9809218835522001
Fee Paid \$3,100.00

Dear Mr. Satten:

This is in response to the petition for permanent reduction of regulatory fee, filed on behalf of Bonneville Holding Company (BHC), licensee of KCSG(TV), Cedar City, Utah. We apologize for failing to respond to your request in a timely manner.

KCSG Regulatory Fees for FY 1998

In September 1998, BHC submitted \$3,100.00 to pay Fiscal Year (FY) 1998 regulatory fees for KCSG, the regulatory fee amount for a remaining market television station. In your petition for permanent reduction of regulatory fees dated November 12, 1998, you state that BHC submitted the insufficient payment, rather than the fee assessed stations in KCSG's market, based on an understanding that the station's prior licensee paid the remaining market regulatory fee. BHC does not have any documentation verifying the payment status of the prior licensee. A review of the Commission's records did not produce any evidence of a request from or a grant of waiver to the prior licensee permitting it to be considered a remaining market station for purposes of regulatory fee assessment.

To the extent that your petition is a request to reduce the regulatory fee for FY 1998, it is untimely and therefore it is denied. The Commission in establishing the regulatory fee program said that it would "accept petitions for waiver, reduction and deferments [of regulatory fees] so long as they are filed no later than the date payment is due."

Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5345 (1994). FY 1998 regulatory fees were due by September 18, 1998. The FY 1998 regulatory fee established for KCSG is \$21,400.00. The unpaid amount of the 1998 regulatory fee,

\$18,300.00, plus the late charge penalty of 25% of the unpaid amount, \$4,575.00, is now due.

The aggregate of the unpaid regulatory fee and the late charge penalty, \$22,875.00, must be filed together with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter. You are cautioned that failure to submit payment may result in further sanctions, including but not limited to, the initiating of a proceeding to recover the unpaid fee amount, the late charge penalty, and interest pursuant to the provisions of the Debt Collection Act.

KCSG Regulatory Fees for FY 1999 and Subsequent Years

The regulatory fee assessed to KCSG, as with all television stations, is based on the DMA to which it is assigned, in this case the 36th market, Salt Lake City, Utah. In your petition, you argue that KCSG should be treated as a remaining market station for purposes of regulatory fee assessment because KCSG's predicted Grade B contour does not penetrate Salt Lake City or any other major metropolitan area, it is 250 miles from Salt Lake City, the principal city in its assigned DMA, and it serves only 36,980 television households, far less than the number of television households in a top 50 or top 100 market.

The Commission has set standards for determining whether the regulatory fees for a television station may be reduced below the fees assessed for stations in the relevant DMA. *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12763 (1995). The Commission will reduce fees for television stations having certain characteristics. *Id.* Such a station may not be an affiliate of a major network, must be located outside the metropolitan area of the principal city in the assigned DMA, and may not provide a Grade B signal to a substantial portion of the assigned market's metropolitan areas. *Id.* Stations that meet this criteria and request fee reduction will be assessed regulatory fees based on the number of households they serve; stations that serve fewer television households than are in the top 100th market will be assessed the regulatory fee for remaining market stations. *Id.* Your representations in the petition address all applicable characteristics except for network affiliation. Review of the 1999 *TV Factbook* and *Cable and Broadcasting Yearbook*, confirm that KCSG meets most of the criteria for regulatory fee reduction and for treatment as a remaining market station. The 1999 *Cable and Broadcasting Yearbook*, however, indicates that KCSG is now affiliated with NBC, a major network, while the 1999 *TV Factbook* indicates that KCSG is an independent station. You subsequently confirmed to us that KCSG is not an affiliate of NBC, but is an affiliate of PAXNET. Therefore, KCSG meets the Commission's criteria for reduction of regulatory fees.

The petition to reduce regulatory fees as to FY 1999 cannot be granted at this date, however, because the full regulatory fee and penalty due for FY 1998 remain unpaid. 47

Kenneth E. Satten, Esq.

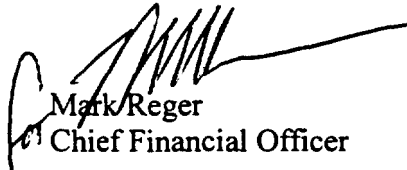
3.

C.F.R. § 1.1164. The petition will be considered pending for up to 30 days from the date of this letter to permit payment of the regulatory fees and penalty due for FY 1998. If payment of the amount due for FY 1998 is not received by the Commission within 30 days from the date of this letter, the petition will be deemed dismissed. The petition will be deemed granted for FY 1999, and conditionally as to subsequent years, if the Commission receives the amount due for FY 1998 within 30 days from the date of this letter.

Assuming that BHC meets the condition described above, and absent significant changes in the factual situation, KCSG will be treated as a remaining market station for purposes of regulatory fee assessment in subsequent years. You should note that BHC is under a continuing obligation to report to the Commission any changes that could affect KCSG's qualification for regulatory fee reduction, such as change in network affiliation, service area, or population coverage. BHC should retain this letter and submit a copy of it with any future correspondence with the Commission concerning the regulatory fee for KCSG.

If you have any questions concerning this letter, please call the Credit & Debt Management Center at 418-1995.

Sincerely,



Mark Reger
Chief Financial Officer

9809218835522001

ORIGINAL

BEFORE THE
Federal Communications Commission
WASHINGTON, DC 20554

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In re Matter of)
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Station KCSG(TV), Cedar City, Utah)
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RECEIVED

NOV 12 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Managing Director

PETITION FOR PERMANENT REDUCTION OF REGULATORY FEE

This *Petition for Permanent Reduction of Regulatory Fee* is respectfully filed by counsel on behalf of Station KCSG(TV), Cedar City, Utah. The purpose of this petition is to request permanant classification of television station KCSG (formerly KXIV and KSGI-TV), Channel 4, at Cedar City, Utah, as a "remaining market" station for purposes of its annual regulatory fee assessment.

KCSG is now licensed to Bonneville Holding Company ("BHC"). The station had previously been dark pursuant to Commission authority and returned to the air on October 12, 1998. It is understood that the station's prior licensee, Seagull Communications Corp., paid annual regulatory fees for KCSG as a "remaining market" station. Because there was no written documentation from the Managing Director's office to verify KCSG's classification as a remaining market station for purposes of its annual regulatory fee filing, we were advised by FCC staff to submit this petition for a permanent reduction in the regulatory fee for the station and its new licensee.

The station broadcasts in a small city in the southwest part of Utah with a population of approximately 13,500 people. The *TV Factbook* does not list data on total TV Households within

KCSG's coverage area, but demographic data indicates there are only 36,980 households within the station's Grade B contour. This is fewer than the number of television households served by a television station located in a top 50 (or top 100) market.

According to the *TV Factbook*, Cedar City is classified as part of the Salt Lake City, Utah DMA, which is 36. In keeping with the Commission's Regulatory Fee Order, this classification would subject KCSG to assessment of a \$21,400 regulatory fee as a VHF station in a top 50 market. This is an inappropriate classification because it fails to recognize that KCSG's predicted Grade B contour does not penetrate the Salt Lake City market or any other major metropolitan area. In this regard, Cedar City is located approximately 250 miles from Salt Lake City. Thus, classification and treatment of KCSG as part of a "remaining market" rather than the Salt Lake City market for fee filing purposes is more equitable and more appropriate.

A Form 159 and a check in the amount of \$3,100 to cover a "remaining market" fee were previously submitted to the FCC in satisfaction of what is believed to be the appropriate fee amount based on the foregoing rationale. WHEREFORE, in light of the foregoing, it is respectfully requested that, absent significant changes in population or coverage area, KCSG continue to be considered a remaining market station in succeeding years for purposes of regulatory fee assessment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ken Satten', followed by a large, stylized circular flourish.

Kenneth E. Satten
Wilkinson, Barker, Knauer & Quinn, LLP
2300 N Street, N.W., Ste. 700
Washington, D.C. 20037
(202) 783-4141

Counsel for Station KCSG(TV)

November 12, 1998

Payment Transactions Detail Report

Date: 2/25/99

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
9809218835522001	BONNEVILLE HOLDING COMPANY BROADCAST HOUSE 65 NORTH 300 WEST SALT LAKE CITY UT 84180	FCC2062740		09/09/98							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$76,359.00	\$76,359.00	82	CAM8	1	E2529	BONNEVILLE HOLDING COMPANY	84180		\$165.00	1	PMT
\$76,359.00	\$76,359.00	52	CAM8	1	E870502	BONNEVILLE HOLDING COMPANY	84180		\$165.00	1	PMT
\$76,359.00	\$76,359.00	79	CAM8	1	E880775	BONNEVILLE HOLDING COMPANY	84180		\$165.00	1	PMT
\$76,359.00	\$76,359.00	80	CAM8	1	E920120	BONNEVILLE HOLDING COMPANY	84180		\$165.00	1	PMT
\$76,359.00	\$76,359.00	86	CAM8	1	E960161	BONNEVILLE HOLDING COMPANY	84180		\$165.00	1	PMT
\$76,359.00	\$76,359.00	87	CAM8	1	E960496	BONNEVILLE HOLDING COMPANY	84180		\$165.00	1	PMT
\$76,359.00	\$76,359.00	81	CAM8	1	E960497	BONNEVILLE HOLDING COMPANY	84180		\$165.00	1	PMT
\$76,359.00	\$76,359.00	54	MLP8	1	K69EW	BONNEVILLE HOLDING COMPANY	84180		\$265.00	1	PMT
\$76,359.00	\$76,359.00	30	MUB8	1	KA88581	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	31	MUB8	1	KA88838	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	36	MUB8	1	KC5417	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	88	MIV8	1	KCSGTV	BONNEVILLE HOLDING COMPANY	84180		\$3,100.00	1	PMT
\$76,359.00	\$76,359.00	16	MFL8	1	KDFCFM	BONNEVILLE HOLDING COMPANY	84180		\$4,000.00	1	PMT
\$76,359.00	\$76,359.00	70	MUB8	1	KDU636	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	42	MUB8	1	KDU638	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	63	MUB8	1	KE5685	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	29	MUB8	1	KEO929	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	2	MUB8	1	KHS74	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	24	MUB8	1	KJB595	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	25	MUB8	1	KJB596	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	64	MUB8	1	KK4511	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	7	MAF8	1	KOITAM	BONNEVILLE HOLDING COMPANY	84180		\$4,000.00	1	PMT
\$76,359.00	\$76,359.00	8	MFL8	1	KOITFM	BONNEVILLE HOLDING COMPANY	84180		\$4,000.00	1	PMT
\$76,359.00	\$76,359.00	13	MSF8	1	KOITFM2	BONNEVILLE HOLDING COMPANY	84180		\$265.00	1	PMT
\$76,359.00	\$76,359.00	55	MUB8	1	KOK30	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT

Payment Transactions Detail Report

Date: 2/25/99

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
9809218835522001	BONNEVILLE HOLDING COMPANY BROADCAST HOUSE 55 NORTH 300 WEST SALT LAKE CITY UT 84180	FCC2062740		09/09/98							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$76,359.00	\$76,359.00	45	MUB8	1	KP8029	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	46	MUB8	1	KP8031	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	47	MUB8	1	KP8037	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	48	MUB8	1	KP9535	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	34	MUB8	1	KPJ248	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	26	MUB8	1	KPJ742	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	91	MUB8	1	KPL244	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	41	MUB8	1	KPN713	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	65	MUB8	1	KQ6874	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	66	MUB8	1	KQ9080	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	72	MUB8	1	KQB563	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	27	MUB8	1	KQS282	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	77	MUB8	1	KQY996	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	49	MUB8	1	KR9976	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	67	MUB8	1	KS2188	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	68	MUB8	1	KS2228	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	39	MAF8	1	KSLAM	BONNEVILLE HOLDING COMPANY	84180		\$4,000.00	1	PMT
\$76,359.00	\$76,359.00	53	MEV8	1	KSLTV	BONNEVILLE HOLDING COMPANY	84180		\$21,400.00	1	PMT
\$76,359.00	\$76,359.00	43	MUB8	1	KTA201	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	71	MUB8	1	KUY794	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	69	MUB8	1	KX8052	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	44	MUB8	1	KZH841	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	73	MUB8	1	KZH842	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	1	MFL8	1	KZLAFM	BONNEVILLE HOLDING COMPANY	84180		\$4,000.00	1	PMT
\$76,359.00	\$76,359.00	14	MFL8	1	KZQZFM	BONNEVILLE HOLDING COMPANY	84180		\$4,000.00	1	PMT

Payment Transactions Detail Report

Date: 2/25/99

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
9809218835522001	BONNEVILLE HOLDING COMPANY BROADCAST HOUSE 55 NORTH 300 WEST SALT LAKE CITY UT 84180	FCC2062740		09/09/98							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$76,359.00	\$76,359.00	15	MSF8	1	KZQZFM1	BONNEVILLE HOLDING COMPANY	84180		\$265.00	1	PMT
\$76,359.00	\$76,359.00	40	MUB8	1	KZU21	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	78	MUB8	1	N55TV	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	38	MUB8	1	WBE741	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	23	MUB8	1	WBX253	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	4	MUB8	1	WCY24	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	57	MUB8	1	WDD697	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	20	MFL8	1	WGMSFM	BONNEVILLE HOLDING COMPANY	84180		\$4,000.00	1	PMT
\$76,359.00	\$76,359.00	84	MUB8	1	WGX337	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	58	MUB8	1	WHQ375	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	59	MUB8	1	WHQ376	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	17	MUB8	1	WHS464	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	56	MUB8	1	WHY364	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	60	MUB8	1	WHY633	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	90	MUB8	1	WLE721	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	33	MUB8	1	WLE994	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	83	MUB8	1	WLL408	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	21	MUB8	1	WLO429	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	89	MUB8	1	WLP293	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	6	MFL8	1	WLUPFM	BONNEVILLE HOLDING COMPANY	84180		\$4,000.00	1	PMT
\$76,359.00	\$76,359.00	11	MUB8	1	WME611	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	12	MUB8	1	WME636	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	9	MUB8	1	WME737	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	61	MUB8	1	WMU832	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	62	MUB8	1	WMU904	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT

Payment Transactions Detail Report

Date: 2/25/99

BY: FEE CONTROL NUMBER

Fee Control
Number

Payor
Name

Fcc Account
Number

Payer
TIN

Received
Date

9809218835522001

BONNEVILLE HOLDING COMPANY

FCC2062740

09/09/98

BROADCAST HOUSE

55 NORTH 300 WEST

SALT LAKE CITY

UT

84180

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$76,359.00	\$76,359.00	50	MUB8	1	WNE1786	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	75	MUB8	1	WNE1786	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	76	MUB8	1	WNE1787	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	51	MUB8	1	WNE1788	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	74	MUB8	1	WNEE815	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	5	MFL8	1	WNNDFM	BONNEVILLE HOLDING COMPANY	84180		\$4,000.00	1	PMT
\$76,359.00	\$76,359.00	92	MUB8	1	WNRR366	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	93	MUB8	4	WNRR366	BONNEVILLE HOLDING COMPANY	84180		\$44.00	1	PMT
\$76,359.00	\$76,359.00	85	MUB8	1	WPJB302	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	10	MUB8	1	WPNF652	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	18	MUB8	1	WPNM972	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	19	MUB8	1	WPNM973	BONNEVILLE HOLDING COMPANY	84180		\$11.00	1	PMT
\$76,359.00	\$76,359.00	3	MFL8	1	WTMXFM	BONNEVILLE HOLDING COMPANY	84180		\$4,000.00	1	PMT
\$76,359.00	\$76,359.00	22	MAF8	1	WTOPAM	BONNEVILLE HOLDING COMPANY	84180		\$4,000.00	1	PMT
\$76,359.00	\$76,359.00	28	MFB8	1	WTOPFM	BONNEVILLE HOLDING COMPANY	84180		\$600.00	1	PMT
\$76,359.00	\$76,359.00	37	MFC8	1	WWVZFM	BONNEVILLE HOLDING COMPANY	84180		\$800.00	1	PMT
\$76,359.00	\$76,359.00	32	MFK8	1	WWZZFM	BONNEVILLE HOLDING COMPANY	84180		\$2,500.00	1	PMT
\$76,359.00	\$76,359.00	35	MBD8	1	WXTRAM	BONNEVILLE HOLDING COMPANY	84180		\$1,250.00	1	PMT
Total									\$76,359.00		

Payment Transactions Detail Report

Date: 2/25/99

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
9810138130475011	FISHER WAYLAND COOPER LEADER & 2001 PENNSYLVANIA AVE NW SUITE 400 WASHINGTON DC 20006	FCC286948		10/09/98							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$45.00	\$0.00	2	PALM	1	WPNF814	SINCLAIR RADIO OF WILKES BARRE	21211		(\$45.00)	1	RFD
\$45.00	\$0.00	1	PALM	1	WPNF814	SINCLAIR RADIO OF WILKES BARRE	21211		\$45.00	1	PMT
Total	2								\$0.00		

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JUL 15 1999

DOCKET FILE COPY ORIGINAL

86-285

OFFICE OF
MANAGING DIRECTOR

Christopher C. Cinnamon, Esquire
Bienstock & Clark
311 South Wacker Drive
Suite 4550
Chicago, Illinois 60606

Re: Booth American Company
Fee Control # 000000BCB-98-111

Dear Mr. Cinnamon:

This will respond to your request for reconsideration of our decision dated September 15, 1998, (attached to your request for reconsideration as Exhibit 1).

Our decision found that although Booth American Company ("Booth") had been granted "small systems" status for its High Country System for purposes of rate and related administrative relief, it had not made a sufficient showing of "financial hardship" to justify waiver of the \$910.00 fee payment associated with its petition for special relief. Our decision further found that whereas Booth had paid the \$910.00 fee payment in connection with its Birmingham and Bloomfield Systems' special relief petition (Fee Control # 9512118205128007), it did not submit the requisite fee payment with its instant High Country System's special relief petition. Therefore, consistent with 47 C.F.R. §§ 1.1108, 1.1112(c)(2) and 1.1117(c), our decision denied Booth's waiver request without prejudice, and required Booth to remit its fee payment within a specified period.

In your request for reconsideration, you sought "to correct one apparent misapprehension" of our decision, namely that Booth did not submit the requisite fee payment associated with its High Country System special relief petition. You represent that Booth paid that fee, and you submit a copy of the petition for fee waiver and a copy of a cancelled check for \$910.00 (attached to your request for reconsideration as Exhibits 2 and 3, respectively).

Our records establish that Booth filed two special relief petitions in connection with its Birmingham and Bloomfield Systems, and its High Country System, but that Booth only submitted one \$910.00 fee payment, and your supporting documentation does not establish otherwise. The fee waiver petition merely states that a Form 159 and fee payment of \$910.00 has been submitted, and the cancelled check merely shows that Booth had submitted a \$910.00 fee payment (*i.e.*, the cancelled check does not reference or contain any notation regarding the High Country System).

Because the Birmingham and Bloomfield Systems' petition and the High Country System's petition represented separate requests for special relief, Booth was obligated to submit two

Mr. Cinnamon

Page 2

payment instruments in the amount of \$910.00 each, or a single payment instrument in the amount of \$1,820.00 to cover both petitions filed within the same lockbox. *See Implementation of Section 9 of the Communications Act -- Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, 9 FCC Rcd 5333, 5351-52 (1994).

Accordingly, your request for reconsideration is denied. Booth is required to remit a check for \$910.00. the then applicable fee associated with its High Country System's petition for special relief, under 47 C.F.R. § 1.1106(7), within thirty days of the date of this letter. If you have any questions concerning this matter, please contact the Chief, Fee Section, at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Reger", is written over the typed name.

Mark Reger
Chief Financial Officer

Holly

000000 BCB-98-111

BIENSTOCK & CLARK

A Partnership Including Professional Associations
311 SOUTH WACKER DRIVE, STE. 4550
CHICAGO, ILLINOIS 60606
TELEPHONE: 312-697-4965
FACSIMILE: 312-697-4966

NOV 25 0 10 PM '98

Christopher C. Cinnamon
Also admitted in Michigan

RECEIVED

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NOV 24 11 24 AM '98
ASSOC. OPER. FINANCIAL (410-070)

November 17, 1998

Mr. Mark Reger
Chief Financial Officer
Office of Managing Director
Federal Communications Commission
Washington, D.C. 20554

**RE: Booth American Company; Small System Petition for Special Relief;
CSR-46367-D; Petition for Waiver of Filing Fee**

Dear Mr. Reger:

On behalf of Booth American Company, we respond to your September 15, 1998 letter (Exhibit 1), which we received on October 13, 1998. We believe the delay was due, at least in part, to our relocation last November, and respectfully request that you consider this a timely response to your letter.

We write to correct one apparent misapprehension concerning the two small system petitions that Booth filed in 1995. The penultimate paragraph of your letter states, in part:

Because Section 1.1117(c) of the Commission's rules, 47 C.F.R. § 1.1117(c) requires that a request for waiver of the section 8 filing fee requirement be accompanied by the requisite fee and Booth only submitted a single \$910.00 fee payment with its petition for special relief associated with its Birmingham and Bloomfield systems, Booth must submit an additional fee of \$910.00 for the High Country petition.

Upon review of our files, we must disagree.

With its *Petition by a Small Cable Company for Waiver of Filing Fee* filed with the Commission filed on December 6, 1995, (Exhibit 2) we submitted the requisite \$910.00 check. The last sentence of that petition states:

3250 Ocean Park Boulevard, Suite 350
Santa Monica, California 90405
Telephone: 310-314-8660
Facsimile: 310-314-8662

200 South Biscayne, Suite 3160
Miami, Florida 33131
Telephone: 305-373-1100
Facsimile: 305-358-1226

5360 Holiday Terrace
Kalamazoo, Michigan 49009
Telephone: 616-353-3900
Facsimile: 616-353-3906

Booth American submits this waiver request with a check for \$910.00 and a Form 159.

We also attach the transmittal correspondence, including copies of the certified mail receipt and a copy of the check (Exhibit 3). Based on this record, we respectfully request that you reconsider your conclusion that Booth is required to remit a check of \$910.00. As shown on the attached exhibits, that check was submitted two years ago.

Please contact us after you have reviewed this matter.

Sincerely,



Christopher C. Cinnamon

Attachments

cc w/att: Booth American Company
Eric E. Breisach

lab:A:\reger.1.wpd

ASSOC. MNG. DIR.
FINANCIAL OPERATIONS
(440-FO)
NOV 24 11 24 AM '98
RECEIVED

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

September 15, 1998

OFFICE OF
MANAGING DIRECTOR

ED 13 1998

Eric E. Breisach, Esquire
Christopher C. Cinnamon, Esquire
Howard & Howard
The Phoenix Building, Suite 500
222 Washington Square, North
Lansing, Michigan 48933-1817

Re: Booth American Company

Dear Messrs. Breisach & Cinnamon:

This will respond to your request for waiver of the filing fee submitted on behalf of Booth American Company ("Booth") in connection with its petition for special relief.

You have represented, and our records reflect, that Booth, parent company of the Boone system and the Alpine System of North Carolina, sought and was granted "small systems" status for the purpose of rate and related administrative relief under the Commission's *Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation*, 10 FCC Rcd 7393 (1995) ("*Small Systems Order*").

In the *Small Systems Order*, the Commission expanded the definition of small cable systems to include cable systems serving 15,000 or fewer subscribers that were owned by cable companies serving collectively 400,000 or fewer subscribers. See 47 C.F.R. §§ 76.901(c) and (e). The Commission expanded the definition of qualifying small cable systems and companies "to encompass the broader range of operators" in need of rate and other administrative relief, in recognition of the fact "that a large number of smaller cable operators face difficult challenges in attempting simultaneously to provide good service to subscribers, to charge reasonable rates, to upgrade networks, and to prepare for potential competition." 10 FCC Rcd at 7406.

In the *Small Systems Order*, the Commission stated that petitions for special relief would be entertained for cable systems and companies that exceed the subscriber caps, but nevertheless share the same relevant characteristics and thus would benefit from the same rate and administrative relief. 10 FCC Rcd at 7412-13. The Cable Bureau found that Boone system served approximately 11,200 subscribers; that Alpine system served approximately 8,300 subscribers, respectively; that after Booth's proposed headend consolidation, the combined entity, the High Country system, would serve approximately 19,600 subscribers; and that Booth collectively served about 142,000 subscribers, well below the 400,000 subscriber cap; that the High Country System and Booth shared the relevant characteristics of small companies, respectively; and thus that Booth thus would be afforded the same regulatory treatment. See *Memorandum Opinion and Order*, DA 97-1619 (August 1, 1997).

Messrs. Breisach and Cinnamon

2.

With respect to Booth's fee waiver request, the Commission did provide small cable systems and companies relief from section 9 regulatory fees, by establishing an assessment formula based upon the exact subscriber count, thereby relieving small cable systems and companies from "bearing a disproportionate burden of the aggregate cable service regulatory fee imposed upon the industry as a whole." *See Implementation of Section 9 of the Communications Act Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, 9 FCC Rcd 5333, 5368 (1994); *see also Small Systems Order*, 10 FCC Rcd at 7398. The Commission, however, did not declare a policy or adopt new rules that would nullify Booth's petition for special relief. *See* 47 C.F.R. § 1.1113(a)(4). In absence of such a declaration or adoption of such rules, the Commission may only waive the section 8 filing fee requirement upon a showing of good cause and a finding that the public interest will be served thereby. *See* 47 U.S.C. § 158(d)(2); *see also Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Reconciliation Act of 1985*, 2 FCC Rcd 947, 961 (1987); 47 C.F.R. § 1.1117(a). In its petition for waiver of the \$910.00 section 8 filing fee, Booth represents that the payment of costly filing fee represents a considerable expense for, and undermines the *Small Systems Order*, which was intended to afford regulatory relief to, small cable companies.

It appears that Booth's waiver request, thus, is based on an assertion of compelling financial hardship. For financial hardship, a more detailed showing is required to establish good cause. For instance, Booth should submit information such as a balance sheet, profit and loss statement, and/or a cash flow projection. At this juncture, Booth has neither made a sufficient showing of good cause, nor has it shown that the public interest would be served by a waiver of the filing fee requirement.

Because section 1.1117(c) of the Commission's rules, 47 C.F.R. § 1.1117(c), requires that a request for waiver of the section 8 filing fee requirement be accompanied by the requisite fee, and Booth only submitted a single \$910.00 fee payment with its petition for special relief associated with its Birmingham and Bloomfield systems, Booth must submit an additional fee of \$910.00 for the High Country petition. Applicants are required to submit the applicable section 8 filing fees, irrespective of the subsequent disposition of the underlying application. *See* 47 C.F.R. § 1.1108; *see also* 47 C.F.R. § 1.1112(c)(2).

Accordingly, Booth's petition for waiver of the filing fee requirement is denied without prejudice, and Booth is required to remit a check of \$910.00, the then applicable fee for cable special relief, under 47 C.F.R. § 1.1106 (7), within thirty days of the date of this letter. If you have any questions concerning this matter, please contact the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Mark Reger
for Chief Financial Officer

EXHIBIT 2

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

<hr/>			
In the Matter of	)	Ashe	NC 0934
	)	Avery County	NC 0638
Booth American Company	)	Banner Elk	NC 0122
	)	Beech Mountain	NC 0450
Waiver of Small System Size	)	Blowing Rock	NC 0511
Limitation	)	Boone	NC 0033
<hr/>		Carter County	TN 0392
		Caldwell County	NC 0935
		Crossnore	NC 0639
		Elk Park	NC 0123
		N. Watauga County	NC 0144
		Newland	NC 0225
		S. Watauga County	NC 0637
		Seven Devils	NC 0636
		Sugar Mountain	NC 0157

**PETITION BY A SMALL CABLE COMPANY
FOR WAIVER OF FILING FEE**

**Eric E. Breisach
Christopher C. Cinnamon**

**HOWARD & HOWARD
The Phoenix Building, Suite 500
Washington Square, N.
Lansing, Michigan 48933-1817**

**Attorneys for Booth American
Company**

Dated: December 6, 1995

EXHIBIT 1

**PETITION BY A SMALL CABLE COMPANY
FOR WAIVER OF FILING FEE**

Booth American Company ("Booth American") petitions the Commission under 47 C.F.R. § 1.1116(a) for waiver of the \$910 fee required under 47 C.F.R. § 1.1106 for filing the Petition for Special Relief that accompanies this Petition. For the reasons stated below, good cause exists for waiving this fee, and the waiver will promote the public interest.

I. BACKGROUND

On November 28, 1995, Booth American filed with the Commission a Petition for Special Relief (the "Petition," caption attached as Exhibit 1). Booth American did not include \$910 with the Petition.

On December 1, 1995, Ms. Sandy Parrish of the Cable Services Bureau informed Howard & Howard that she could not process the Petition without the filing fee. Surprised that the Commission would require small systems to pay nearly \$1,000 to seek a reduction in administrative burdens and costs, Howard & Howard consulted Mr. Tom Power, a Cable Services Bureau attorney closely involved with small system issues. A petition for waiver of filing fee was suggested.

II. ANALYSIS

Booth American is a small cable company as defined in *Sixth Report and Order and Eleventh Order on Reconsideration*, MM Docket Nos. 92-266 and 93-215, FCC 95-196 (released June 1, 1995) ("*Small System Order*") at ¶ 28. In *Small System Order*, the Commission determined that small cable companies like Booth American were entitled to significant regulatory relief in setting rates for regulated cable services. The Commission extended such relief to small cable systems defined as those serving 15,000 subscribers or less, and owned by

small cable companies. The fundamental reason that the Commission granted this relief was to ease the administrative burdens and costs of rate regulation on small cable operators. *Small System Order* at ¶¶ 55-57.

The Commission also invited petitions for special relief from systems that exceed the numerical standard but share other small system characteristics and are in need of regulatory relief. The Commission also specifically encouraged petitions for special relief from "a qualifying system that seeks to obtain programming from a neighboring system by way of a fiber optic link, but that is concerned that interconnection of the two systems will jeopardize its status as a stand-alone small system" *Small System Order* at ¶ 36. Based on this statement, Booth American filed the Petition in anticipation of consolidating headends for two small systems.

According to the Commission, small cable companies like Booth American are in need of relief from the administrative burdens and costs of rate regulation. It is inconsistent with the intent of the *Small System Order* to require a small cable company to pay nearly \$1000, in addition to substantial legal fees and expenses, to attempt to obtain small system relief. The basis for the Petition accentuates this inconsistency: the two systems already qualify automatically for small system relief. If the \$910 fee is not waived, then Booth American will be required to incur this additional administrative cost so as to not incur additional administrative costs. Surely the Commission did not intend this illogical result in inviting small system petitions for special relief.

Booth American, like most small cable companies, has struggled since 1992 with rate regulation that disproportionately burdened small cable. An additional \$910 to secure long-awaited relief only increases the cost to Booth American of the regulatory burdens that the Commission has sought to alleviate.

To improve operating efficiency and customer service, Booth American seeks to conclude the headend consolidation as soon as possible. Retention of small system relief for the combined system is a critical factor in determining whether to make the capital investment necessary to combine the two headends. Consequently, Booth American asked that the Commission consider the Petition expeditiously and not delay processing while this fee waiver request is pending.

III. CONCLUSION AND REQUESTED RELIEF

The Commission determined that reduction of administrative burdens and costs of rate regulation on small cable companies serves the public interest. Because the grant of this petition will immediately reduce the costs of rate regulation on Booth American by \$910, the grant of this petition will service the public interest. Consequently, Booth American requests that the Commission waive the \$910 filing fee. Booth American also requests that the Commission entertain and, if possible, rule on the Petition without any delay attributable to this fee waiver request.

As required by 47 C.F.R. § 1.1116(e), Booth American submits this waiver request with a check for \$910 and a Form 159.

Respectfully submitted,

BOOTH AMERICAN COMPANY

By: 

**Eric E. Breisach
Christopher C. Cinnamon**

**HOWARD & HOWARD
The Phoenix Building, Suite 500
222 Washington Square, N.
Lansing, Michigan 48933-1817**

**Attorneys for Booth American
Company**

RECEIVED

NOV 28 1995

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of	)	Ashe	NC 0934
	)	Avery County	NC 0638
Booth American Company	)	Banner Elk	NC 0122
	)	Beech Mountain	NC 0450
Waiver of Small System Size	)	Blowing Rock	NC 0511
Limitation	)	Boone	NC 0033
		Carter County	TN 0392
		Caldwell County	NC 0935
		Crossnore	NC 0639
		Elk Park	NC 0123
		N. Watauga County	NC 0144
		Newland	NC 0225
		S. Watauga County	NC 0637
		Seven Devils	NC 0636
		Sugar Mountain	NC 0157

PETITION FOR SPECIAL RELIEF

Eric E. Breisach
Christopher C. Cinnamon

HOWARD & HOWARD
The Phoenix Building, Suite 500
Washington Square, N.
Lansing, Michigan 48933-1817

Attorneys for Booth American
Company

Dated: November 27, 1995

EXHIBIT 1

CERTIFICATE OF SERVICE

I, Ida Buntin, a secretary at the law firm of Howard & Howard Attorneys, P.C., hereby declare that the Booth American Company Petition by a Small Cable Company for Waiver of Filing Fee was sent on the 6th day of December, 1995, by first class and certified mail to:

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
c/o Mellon Bank
Cable Services Bureau
P.O. Box 358205
Pittsburgh, PA 15251-5205

and that in a second envelope sent by first class and certified mail directed to Chairman Reed Hundt ten individual envelopes were sent, each containing a copy of the above-referred to document and a copy of the December 6, 1995 letter directed to Mr. Caton. The ten envelopes were addressed as follows:

Ms. Meredith Jones
Chief
Cable Services Bureau
Federal Communications Commission
1919 M Street NW
Washington DC 20554

Commissioner James Quello
c/o Maureen O'Connell
Cable Services Bureau
Federal Communications Commission
1919 M Street NW
Washington DC 20554

Mr. Gregory Vogt
Deputy Chief
Cable Services Bureau
Federal Communications Commission
1919 M Street NW
Washington DC 20554

Commissioner Rachelle Chong
c/o David Furth
Cable Services Bureau
Federal Communications Commission
1919 M Street NW
Washington DC 20554

Chairman Reed Hundt
c/o Mr. John Nakahata
Cable Services Bureau
Federal Communications Commission
1919 M Street NW
Washington DC 20554

Commissioner Susan Ness
c/o Mary McManus
Cable Services Bureau
Federal Communications Commission
1919 M Street NW
Washington DC 20554


Commissioner Andrew Barrett
c/o Lisa Smith
Cable Services Bureau
Federal Communications Commission
1919 M Street NW
Washington DC 20554

Thomas Power
Cable Services Bureau
Federal Communications Commission
1919 M Street NW
Washington DC 20554

John Norton
Cable Services Bureau
Federal Communications Commission
1919 M Street NW
Washington DC 20554

Sandy Parrish
Cable Services Bureau
Federal Communications Commission
2033 M Street NW
Washington DC 20554


Dated: December 6, 1995


Ida Buntin

Drafted by:
HOWARD & HOWARD ATTORNEYS, P.C.
The Phoenix Building, Suite 500
222 Washington Square, North
Lansing, Michigan 48933-1817

cc:\cable\certificate.2ds

EXHIBIT 3

SENDER: Booth/12-6-95 • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: Mr. William F. Caton Acting Secretary Federal Communications Commission c/o Mellon Bank Cable Services Bureau P.O. Box 358205 Pittsburgh, PA 15251-5205		4a. Article Number Z 364 247 814	
5. Signature (Addressee) DEC 8 1995		4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise	
6. Signature (Agent) 		7. Date of Delivery 8. Addressee's Address (Only if requested and fee is paid)	

HOWARD & HOWARD

ATTORNEYS

Established 1869

The Pinchurst Office Center, Suite 101
1400 North Woodward Avenue
Bloomfield Hills, Michigan 48304-2856

Telephone (810) 645-1483
Fax (810) 645-1568

The Kalamazoo Building, Suite 400
107 West Michigan Avenue
Kalamazoo, Michigan 49007-3956

Telephone (616) 382-1483
Fax (616) 382-1568

The Phoenix Building, Suite 500
222 Washington Square, North
Lansing, Michigan 48933-1817

Telephone (517) 485-1483
Fax (517) 485-1568

The Creve Coeur Building, Suite 200
321 Liberty Street
Peoria, Illinois 61602-1403

Telephone (309) 672-1483
Fax (309) 672-1568

JOHN W. ALLEN ± **
KELLY A. ALLEN
GUSTAF R. ANDREASEN
ROBIN W. ASHER □
WILLIAM G. ASIMAKIS, JR.
DANIEL L. BAKER
GERRY BARTLETT-McMAHON
ROBERT C. BECK
ANTOINETTE BEUCHE
STEPHEN D. BIGELOW ±*
FERNANDO A. BORRERO ±*
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TAMMY L. BROWN
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PHILIP T. CARTER
JEFFREY P. CHALMERS
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PAUL GREEN
ROGER M. GROVES ±*
BRUCE R. GRUBB
MICHELE L. HALLORAN
RICHARD L. HALPERT
PATRICK D. HANES
ELLEN M. HARVATH
JOHN G. HAYWARD
JOSEPH B. HEMKER ±*
FREDERICK G. HOFFMAN ±*
WILLIAM H. HONAKER □
JOHN C. HOWARD
TIMOTHY J. HOWARD ±*
DIANA M. JAGIELLA ±*
ROBERT B. JOHNSTON

J. MICHAEL KEMP ±*
DANIEL N. KING ±*
JON H. KINGSEPP
STEVEN C. KOHL
JAMES H. KONING
TIMOTHY E. KRAEPEL
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PETER J. LIVINGSTON
JAMES E. LOZIER
D. CRAIG MARTIN
PATRICK M. MCCARTHY
ROBERT F. MELONE ±*
HAROLD W. MILTON, JR. ±*
ROBERT D. MOLLHAGEN ±*
C. DOUGLAS MORAN
LAWRENCE J. MURPHY ±*
THEODORE W. OLDS □
SUSAN E. PADLEY
GARY A. PETERS ±*
ROSHUNDA PRICE-HARPER
JEFFREY G. RAPHELSON
BRAD A. RAYLE
BRIAN J. RENAUD
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BLAKE K. RINGSMUTH
BRAD S. RUTLEDGE
LEONARD W. SACHS ±*
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DEBORAH M. SCHNEIDER
RAYMOND E. SCOTT □
JON E. SHACKELFORD □
JEFFREY G. SORENSON ±*
JOHN T. STECCO
TODD M. STENERSON
MICHAEL V. SUCAET
THOMAS J. TALLERICO ±*
LAURA A. TALT
SANDRA M. TRACOFF ±*
DONALD F. TUCKER
PATRICK R. VAN TIFLIN
SHAMRA M. VANWAGONER
JACQUELINE K. VESTEVICH
STEVEN H. WESTON
JAMES C. WICKENS
MYRA L. WILLIS
THOMAS J. WUORI
JOHN E. YOUNG
MARLA G. ZWAS

WILLIAM G. HOWARD
(1846-1906)
HARRY C. HOWARD
(1871-1946)
WILLIAM J. HOWARD
(1904-1993)

ALL ATTORNEYS ADMITTED IN MICHIGAN ONLY
EXCEPT AS INDICATED.

± ALSO ADMITTED IN DELAWARE
± ALSO ADMITTED IN DISTRICT OF COLUMBIA
± ALSO ADMITTED IN FLORIDA
± ALSO ADMITTED IN ILLINOIS
± ALSO ADMITTED IN INDIANA
± ALSO ADMITTED IN IOWA
± ALSO ADMITTED IN MISSOURI
± ALSO ADMITTED IN OHIO
± ALSO ADMITTED IN PENNSYLVANIA
± ALSO ADMITTED IN TEXAS
± ALSO ADMITTED IN VIRGINIA
□ ONLY ADMITTED IN ILLINOIS
□ ADMITTED TO PRACTICE BEFORE THE
PATENT AND TRADEMARK OFFICE

Reply to: Lansing
Direct Dial: (517) 377-0611

December 6, 1995

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
c/o Mellon Bank
Cable Services Bureau
P.O. Box 358205
Pittsburgh, PA 15251-5205

RE: Booth American Company, Petition by a Small Cable Company for Waiver
of Filing Fee

Dear Mr. Caton:

Enclosed for filing are the original and 4 copies of the above-captioned document, Certificate of Service, Form 159, and our Check No. 61988 made payable to the Federal Communications Commission in the amount of \$910.00 in payment of the filing fee. We have also enclosed a copy with a pre-addressed, stamped envelope and request that a file-stamped copy be returned to us.

Mr. William F. Caton
December 6, 1995
Page -3-

If you have any questions or comments, please call us.

Very truly yours,

HOWARD & HOWARD


Christopher C. Cinnamon

Enclosures

cc w/enc Meredith Jones
 Gregory Vogt
 John Nakahata
 Lisa Smith
 Maureen O'Connell
 David Furth
 Mary McManus
 Thomas Power
 John Norton
 Sandy Parrish
 Booth American Company
 Eric E. Breisach

L326\ccc\corr\caton.126

HOWARD & HOWARD
ATTORNEYS

FEDERAL COMMUNICATIONS COMMISSION
FCC REMITTANCE ADVICEApproved by OMB
3060-0589
Expires 2/28/97PAGE NO. 1 OF 1

(RESERVED)

SPECIAL USE

FCC USE ONLY

(Read instructions carefully BEFORE proceeding.)

PAYOR INFORMATION

(1) FCC ACCOUNT NUMBER	Did you have a number prior to this? Enter it.	(2) TOTAL AMOUNT PAID (dollars and cents)
		\$ 910 • 00

(3) PAYOR NAME (If paying by credit card, enter name exactly as it appears on your card)

Howard & Howard

(4) STREET ADDRESS LINE NO. 1
The Phoenix Building, Suite 500(5) STREET ADDRESS LINE NO. 2
222 Washington Square, N.(6) CITY
Lansing(7) STATE
MI(8) ZIP CODE
48933-1817(9) DAYTIME TELEPHONE NUMBER (Include area code)
(517) 485-1483

(10) COUNTRY CODE (if not U.S.A.)

ITEM #1 INFORMATION

(11A) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR Booth American Company				FCC USE ONLY	
(12A) FCC CALL SIGN/OTHER ID	(13A) ZIP CODE 48226	(14A) PAYMENT TYPE CODE T Q C		(15A) QUANTITY 1	(16A) FEE DUE FOR PAYMENT TYPE CODE IN BLOCK 14 \$ 910.00
(17A) FCC CODE 1		(18A) FCC CODE 2			
(19A) ADDRESS LINE NO. 1 333 West Fort Street	(20A) ADDRESS LINE NO. 2 Suite # 1230	(21A) CITY/STATE OR COUNTRY CODE Detroit, MI			

ITEM #2 INFORMATION

(11B) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR				FCC USE ONLY	
(12B) FCC CALL SIGN/OTHER ID	(13B) ZIP CODE	(14B) PAYMENT TYPE CODE		(15B) QUANTITY	(16B) FEE DUE FOR PAYMENT TYPE CODE IN BLOCK 14 \$
(17B) FCC CODE 1		(18B) FCC CODE 2			
(19B) ADDRESS LINE NO. 1	(20B) ADDRESS LINE NO. 2	(21B) CITY/STATE OR COUNTRY CODE			

CREDIT CARD PAYMENT INFORMATION

(22) MASTERCARD/VISA ACCOUNT NUMBER:	EXPIRATION DATE:	Month	Year
<input type="checkbox"/> Mastercard			
<input type="checkbox"/> Visa			
(23) I hereby authorize the FCC to charge my VISA or Mastercard for the service(s)/authorization(s) herein describe.		AUTHORIZED SIGNATURE	
		DATE	